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☐ INTERNAL

2006/02/07 : CIA-RDP77M00144R001100210020-8

☐ CONFIDENTIAL

☐ SECRET

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: Chief, Procurement Management
Staff, OL
2G31 Page Building

EXTENSION

NO.

DATE

STAT

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1. Associate General Counsel, *OL*

21 APR 1976

2. Director of Logistics

22 APR 1976

3. Office of Legislative Counsel

Attn:

4. 7D35 Hqs.

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(S.2309
Procurement)

Approved For Release 2006/02/07 : CIA-RDP77M00144R001100210020-8

FORM 3-62

610 USE PREVIOUS EDITIONS

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OLC 76-1210

21 APR 1976

MEMORANDUM FOR: Office of Legislative Counsel

ATTENTION :



THROUGH : Director of Logistics

SUBJECT : S. 2309 Procurement Act of 1975

1. In accordance with your request of 13 January 1976, this staff has reviewed the subject proposed legislation to determine its impact on our industrial contracting procedures. Our review has focused primarily on a comparison of existing Agency procurement authority versus repeals by the proposed legislation and any new authority.

2. The Central Intelligence Agency (CIA) procurement authority, as of this writing, is included in Section 3 and 8 of the CIA Act of 1949, which in turn has picked up the authorities of Sections 2(c)(1), (2), (3), (4), (5), (6), (10), (12), (15), and (17), and Sections (3), (4), (5), (6), and (10) of the Armed Services Procurement Act of 1947 (ASPA). The procurement authorities included in the Federal Property and Administrative Services Act of 1949 are also available to the CIA as a civilian agency. Executive Order 11905 also gets into procurement authority in certain areas such as paragraph 4(b)(3) which covers R&D contracting. No comparison of the Executive Order with the proposed legislation has been made.

3. The writer has focused on the fact that Section 24 of the proposed legislation repeals Section 3 of the CIA Act in an effort to assure that authorities in said Section 3 are retained. The attached brief cross-referenced comparative analysis indicates that 10 USC 2304(a)(1), (15), and (17) were deleted as part of Section 3 and are not reinstated by S. 2309. Without benefit of committee discussion on this bill to date, it is impossible to determine why these authorities included in the ASPA have been dropped. One

OL 6 0218a

SUBJECT: S. 2309 Procurement Act of 1975


might speculate that other authorities are considered sufficiently broad to cover those deleted. In any event, the deletions apply equally to all segments of the Federal Government and are not considered as damaging to our Agency procurement program.

4. On the plus side, the authorities included at 10 USC 2304(a)(9) and (11), which were not picked up by the original CIA Act, will now be available to us. Also on the plus side is the fact that Section 8 of our Act was not repealed by S. 2309.

5. No comparison of S. 2309 with the Federal Property and Administrative Services Act of 1949 has been made since the Federal Procurement Regulations (FPR's), which are based on that Act, closely parallel the Armed Services Procurement Regulations (ASPR's) which have their origin in the ASPA. A further contributor to our decision not to compare the FPR's with S. 2309 is the fact that the Agency has an exemption from the FPR's and has relied on the ASPR's as a guide for its procurement policies.

6. In summary, this office is of the opinion that S. 2309 is no more restrictive than previous law and that, in fact, it will be beneficial to Federal procurement.

STAT


Chief
Procurement Management Staff, OL

Att

COMPARISON OF EXISTING CIA PROCUREMENT AUTHORITY
WITH S. 2309

	<u>CIA Act of 1949</u>	<u>S. 2309</u>
<u>10 USC 2304 (a)</u>		
1. National Emergency	X	
2. Public Exigency	X	8
3. Not more than \$10,000	X	6
4. Personal or Professional Services	X	8
5. Educational Institutions	X	8
6. Outside U. S.	X	8
7. Medical Supplies		
8. Purchased for Authorized Resale		
9. Subsistence supplies		8
10. Impracticable to Secure Competition by Formal Advertising	X	9
11. R&D		8
12. Classified	X	8
13. Technical Equipment Requiring Standardization		
14. Substantial Initial Investment or Extended Preparation		
15. Negotiation after Advertising	X	
16. Interest of National Defense		
17. Otherwise Authorized by Law	X	5

	<u>CIA Act of 1949</u>	<u>S. 2309</u>
<u>Armed Services Procurement Act of 1947</u>		
3. Rejection of all bids in formal advertising	X	10
4. Contingent fee warranty fee limitations, any type	X	4, 13, 15
5. Advance payments	X	17(a)
6. Liquidated damages	X	18
10. Interagency funds transfer	X	21, 22

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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

21 APR 1976

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

This is in response to your request for our views on S. 2132, a bill "To require that Government forms be discontinued or revised every five years and that new or revised forms shall be used only when necessary." Section 2(c) of the bill provides that all new or revised forms be used only after approval by the Comptroller General.

S. 2132 applies, on its face, to "all forms in use by executive agencies." It would require that forms so used be "short, simple, and understandable." These latter criteria suggest an intent to limit the procedures in S. 2132 only to forms which are promulgated by agencies for use by the general public. This limitation would, if intended, be desirable. The Central Intelligence Agency strongly recommends that the proposed legislation be clarified so that it explicitly pertains only to forms designed for public use.

Many of the Agency's internal forms are classified and relate to intelligence methods and Agency internal organization and security-related procedures. In this connection, the National Security Act of 1947 imposes on the Director of Central Intelligence the statutory responsibility to protect intelligence sources and methods from unauthorized disclosure. In addition the CIA Act of 1949 exempts the Agency from the provisions of any law which require the publication or disclosure of the Agency's organization. GAO review of such sensitive forms would be inconsistent with these statutory authorities.

Finally, this Agency already maintains its own forms review program. This program is designed to challenge each new and revised form as to whether the information is needed, whether the information is available from other sources, and whether the cost of gathering and processing the information is excessive. Our records officers and forms analysts also try to consolidate like forms wherever possible, and eliminate unnecessary items so as to produce forms that are simple to complete and easy to understand. Therefore, at least with respect to this Agency, the procedures outlined in S. 2132 are largely duplicative and unnecessary.

For the foregoing reasons, the Central Intelligence Agency opposes S. 2132 in its present form.

Sincerely,

SIGNED
George L. Cary
Legislative Counsel



Distribution:

Orig - Addressee

1 - DDA

✓ - OLC Subject

1 - OLC OMB Liaison

1 - OLC Chrono

OLC:WPB:sm (20 Apr 76)



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

April 12, 1976

02 C 76-1127

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer
General Services Administration
Administrative Conference of the United States
Department of Health, Education and Welfare
Department of Labor
Department of Commerce
Department of Defense
Department of Justice
Veterans Administration
Central Intelligence Agency
Department of State
National Paperwork Commission

SUBJECT: S. 2132, a bill "To require that Government forms be discontinued or revised every five years and that new or revised forms shall be used only when necessary."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than c.o.b. April 20, 1976.

Questions should be referred to Robert Carlstrom (395-3856) or to -----, the legislative analyst in this office.

Bernard H. Martin for
Assistant Director for
Legislative Reference

Enclosures

bc

94TH CONGRESS
1ST SESSION

S. 2132

IN THE SENATE OF THE UNITED STATES

JULY 17 (legislative day, JULY 10), 1975

Mr. PROXMIRE (for himself and Mr. BIDEN) introduced the following bill;
which was read twice and referred to the Committee on Government
Operations

A BILL

To require that Government forms be discontinued or revised
every five years and that new or revised forms shall be used
only when necessary.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Form Reform Act".

4 SEC. 2. (a) The use of all forms in use by executive
5 agencies on the effective date of this Act shall be discon-
6 tinued according to the following schedule:

7 (1) One-fifth of the forms so in use by each execu-
8 tive agency (as chosen by the head of that agency)
9 shall be discontinued not later than the end of the

1 twelve-month period which begins on such effective
2 date.

3 (2) One-fifth of the forms so in use by each exec-
4 utive agency (as chosen by the head of that agency)
5 shall be discontinued not later than the end of each of
6 the four twelve-month periods following such eighteen-
7 month period.

8 (b) All forms placed in use by any executive agency
9 after the effective date of this Act shall be discontinued not
10 later than the end of the fifth year after it is so placed in use.

11 (c) No form may be placed in use by any executive
12 agency after the effective date of this Act unless it has been
13 approved by the Comptroller General of the United States
14 under section 4.

15 SEC. 3. (a) Prior to the date that the use of any form
16 is to be discontinued by an executive agency pursuant to
17 section 2, the head of that agency—

18 (1) shall determine whether the continued use of
19 that form, or a similar form, is necessary; and

20 (2) if he determines that such continued use is
21 necessary—

22 (A) shall determine what revisions can be
23 made to provide a shorter, simpler, and more easily
24 understandable form, and

25 (B) shall submit such revised form to the

1 Comptroller General of the United States for ap-
2 proval.

3 (b) Prior to the use of any new form not in use by an
4 executive agency on the effective date of this Act (other
5 than a form to which subsection (a) applies), the head
6 of that agency shall submit it to the Comptroller General
7 for his approval.

8 SEC. 4. If the Comptroller General of the United States
9 determines that—

10 (1) the use of a form submitted under section 3
11 is necessary, and

12 (2) such form is as short, simple, and understand-
13 able as it can be,

14 he shall notify the head of the agency concerned of his ap-
15 proval of the use of such form subject to the provisions of
16 section 2 (b) .

17 SEC. 5. For purposes of this Act, the term "executive
18 agency" has the meaning given to it by section 105 of title
19 5, United States Code, except that it does not include the
20 General Accounting Office.

21 SEC. 6. There are authorized to be appropriated for
22 each fiscal year such sums as may be necessary to carry
23 out this Act.

24 SEC. 7. This Act shall take effect on the first day of
25 the first month which begins after the date of its enactment.

94TH CONGRESS
1ST Session

S. 2132

A BILL

To require that Government forms be discontinued or revised every five years and that new or revised forms shall be used only when necessary.

By Mr. PROXMIRE and Mr. BIDEN

JULY 17 (legislative day, JULY 10), 1975
Read twice and referred to the Committee on
Government Operations

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Deputy Chief, ISAS
5B-2828, Hqs.

EXTENSION

NO.

DATE

19 April 1976

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1.

OLC 7D-35, Hqs.

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FORM 3-62

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UNCLASSIFIED

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM: Legislative Counsel
7D35 HQ

EXTENSION

NO.

STAT

DATE

19 April 1976

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

DC/ISAS
5B2828 HQ

4/19/76 *llm*

Attached is a draft of our proposed report to OMB on S. 2132, the bill to require revision of Government forms. Please review the draft and advise this office whether you have any problems with it by noon tomorrow (20 April). Thank you.

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Office of Legislative Counsel

#4. Attached draft looks fine.

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01C 76.1150

19 April 1976

STAT

MEMORANDUM FOR:

[redacted]
Office of Legislative Counsel

STAT

FROM

: [redacted] Deputy Chief
Information Systems and Analysis Staff

SUBJECT : S. 2132, a bill "To require that Govern-
ment forms be discontinued or revised
every five years and that new or revised
forms shall be used only when necessary."

1. We believe Senate Bill 2132 applies to forms which are promulgated by agencies for use by the general public. This Agency has very few forms, namely, applicant and recruitment type forms, that are designed for public use. We strongly recommend that the proposed bill be amended to make clear that the legislation pertains only to forms designed for acquiring information from the public.

2. This Agency does, however, run a modest Forms Program. [It is designed to challenge each new and revised form as to whether the information is needed, whether the information is available from other sources, and where possible to ascertain whether the cost of gathering and processing the information exceeds its worth. Our records officers and forms analysts also try to consolidate like forms wherever possible, and eliminate unnecessary items to produce forms that are simple to complete and easy to understand.]

3. Since the inception of the program in 1952, we issued 5,411 forms of which 2,352 are currently being used. During FY 1975, for example, we obsoleted 421 forms and 42 forms were consolidated into 28. Our current inventory includes 2,174 Agency unique forms (many of which are classified in their blank stage) and 178 forms from other Government agencies, i.e., GSA, DA, DD, etc.

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